



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,480	12/07/2000	Rabindranath Dutta	AUS9000688US1	3176

35617 7590 01/02/2004

CONLEY ROSE, P.C.  
P.O. BOX 684908  
AUSTIN, TX 78768

EXAMINER
----------

HO, THOMAS Y

ART UNIT	PAPER NUMBER
----------	--------------

3677

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/732,480

Applicant(s)

DUTTA, RABINDRANATH

Examiner

Thomas Y Ho

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-19, 21-25, 27-31 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-19, 21-25, 27-31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

Claims 33-34 remain objected to because of the following informalities: Applicant has used different names for the same claimed object; the terms “second notification value” and “second notification quantity value” should be changed to one or the other in order to maintain consistency. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 13, 15-19, 21-25, 27-31, and 33-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Waytena US5978770.

As to claim 1, Waytena discloses, a method for conducting electronic commerce over a network, comprising: by consulting a computer database 101,104, determining an inventory status (# of available spots at the ride/attraction) of at least one product (ride/attraction) being considered for purchase (riding the ride/attraction is equivalent to “purchasing”) by a buyer (patron), wherein said determining comprises comparing an inventory quantity (total capacity at ride/attraction) of the product to an aggregate quantity (# of reserved spots) of the product contained in the electronic shopping carts 102 (the PCD acts as an electronic shopping cart that holds all reservations); and informing the buyer of a change in the inventory status (the buyer is informed through electronic messages; these messages can inform of changes in availability;

Art Unit: 3677

col.18, ln.30-37), wherein said informing precedes any purchase of the product by the buyer.

The system disclosed by Waytena is analogous to an online merchant's system. Waytena uses PCD's that act as shopping carts by allowing patrons to place items/reservations into the system to show their intent to purchase/ride the item, without having to commit to showing up/purchasing. This is analogous to an online merchant's shopping cart where buyers can place items into their carts to show intent to purchase the item, without being committed to paying for said item.

As to claim 2, Waytena discloses, wherein the inventory status (# of available spots at the ride/attraction) comprises a level of availability of the product (ride/attraction) to be shipped to the buyer (the ride/attraction cycles through to carry the patrons, and is thus "shipped" to the patron) and the change in inventory status comprises a change in the level of availability of the product to be shipped to the buyer (the change in the inventory status, or # of available spots, can be due to downtime to fix a ride/attraction, and the patron is warned of unavailability; col.18, ln.30-37).

As to claim 3, Waytena discloses, wherein the inventory status (# of available spots) comprises a probability of immediate shipment (estimated throughput is a probability that effects the # of available spots; col.11, ln.34-40) of the product (ride/attraction) upon purchase (riding the ride/attraction) by the buyer (patron) and the change in the inventory status (# of available spots) comprises a change in the probability of immediate shipment of the product upon purchase by the buyer (the change in the estimated throughput will effect the # of available spots).

Art Unit: 3677

As to claim 4, Waytena discloses, wherein said informing comprises informing the buyer that the product is nearing depletion in the inventory (depletion of inventory is equivalent to the ride getting ready to close; col.21, ln.5-25).

As to claim 5, Waytena discloses, wherein said informing further comprises informing the buyer that the product may not be available for shipment to the buyer unless the product is purchased within a specific timeframe (the purpose of the reservation system is to inform the buyer/patron that the product/ride may not be available for shipment/riding unless purchased/ridden within a specific timeframe/reserved time spot).

As to claim 6, Waytena discloses, wherein the inventory status (# of available spots) comprises a number of other buyers (other patrons having reservations) considering the product for purchase (riding the ride) and the change in the inventory status comprises a change in the number of other buyers considering the product for purchase (when a first patron having a reservation cancels the reservation, the spot becomes available, and when a second patron indicates a desire for the spot, that second patron will be informed that the spot is open using an electronic message).

As to claim 7, Waytena discloses, wherein said determining comprises examining an entry (reservation) contained in one or more electronic shopping carts 102, PCD (when the system determines that the # of reserved spots is equivalent to the inventory quantity/line capacity, the patron is informed that the time is unavailable).

As to claim 8, Waytena discloses, wherein the electronic shopping cart 102, PCD comprises a persistent electronic shopping cart (the PCD is a shopping cart because it contains reservations for items/ride; the PCD is persistent because even after purchasing/riding an

Art Unit: 3677

item/ride, the other reservations are still maintained; furthermore, there is no disclosures in Waytena that states that the memory in the PCD is erased or reset).

As to claim 9, Waytena discloses, wherein said informing the buyer comprises sending a notification message (electronic message) to the buyer (patron) using an electronic mail service (the electronic message system is electronic mail).

As to claim 10, Waytena discloses, wherein said informing the buyer comprises sending a notification message to the buyer (patron) using an instant messaging service (the electronic message is an instant message).

As to claim 11, Waytena discloses, wherein said informing the buyer comprises displaying a notification message upon a video display screen viewed by the buyer (col.14, ln.35-47).

As to claim 13, Waytena discloses, wherein said examining comprises examining the entry stored onto a storage medium of a server (col.6, ln.1-15; col.10, ln.50-67).

As to claim 15, Waytena discloses, wherein said comparing comprises generating a first notification quantity value (a first calculated line capacity after factoring in the estimated downtime; col.11, ln.40-45) by applying a conversion rate factor (estimated downtime value) to the inventory quantity (line capacity), and said informing (sending a message) occurs if the value of the aggregate quantity (# reserved spots) is equal to or greater than the value of the first notification quantity value (first calculated line capacity with estimated downtime calculation; if the # of reserved spots equals the calculated line capacity, other patrons are notified that the ride is unavailable).

Art Unit: 3677

As to claim 16, Waytena discloses, wherein comparing further comprises generating a second notification quantity value (a second calculated line capacity wherein the probability of the patron arriving is factored in with the first calculated line capacity from claim 15; col.20, ln.40-64) by applying a safety margin factor (patron probability) to the first notification quantity value, and said informing occurs if the value of the aggregate quantity (# of reserved spots) is equal to or greater than the value of the second notification quantity value (second calculated line capacity; if the # of reserved spots equals the second calculated line capacity, other patrons will be notified that the ride is unavailable).

As to claim 17, Waytena discloses, wherein said informing the buyer (sending a message) comprises selectively informing the buyer based on a ranked profile of the buyer (the ranked profile could be based on the number of people in a group, and selectively informing occurs because some groups might be too large for the line capacity, while a smaller group could fit).

As to claim 18, Waytena discloses, a system for conducting electronic commerce over a network, comprising a server 101,104 adapted to determine an inventory status (# of available spots) of at least one product (ride/attraction) being considered for purchase (riding) by a buyer (patron) and further adapted to inform the buyer of a change in the inventory status (notifies the patron of unavailability; col.18, ln.30-37), wherein said informing the buyer precedes any purchase (riding the ride/attraction) of the product by the buyer, wherein the server is further adapted to compare an inventory quantity (line capacity) of the product to an aggregate quantity (# of reserved spots) of the product currently considered for purchase by the buyer and a plurality of all other buyers (when the line capacity equals the # of reserved spots, a patron is notified that the spot chosen is unavailable).

As to claim 19, Waytena discloses, wherein said informing comprises informing the buyer (patron) that the product (ride/attraction) may not be available for shipment (not available for shipment is equivalent to not available for riding) to the buyer unless the product is purchased within a specific timeframe (the specific timeframe is the reserved time; the whole point of the reservation is that the product/ride cannot be purchased/ridden unless the patron comes to the ride during a specific timeframe/reserved time).

As to claim 21, Waytena discloses, wherein the server 101,104 is further adapted to generate a first notification quantity value (a first calculated line capacity wherein the estimated downtime is factored in; col.11, ln.40-45) by applying a conversion rate factor (estimated downtime) to the inventory quantity (line capacity) and to generate a second notification quantity value (a second calculated line capacity wherein the probability of a patron showing up is factored in to the first calculated line capacity; col.20, ln.40-65) by applying a safety margin factor (patron probability) to the first notification quantity value.

As to claim 22, Waytena discloses, wherein the server 101,104 is further adapted to perform said informing (sending a message to) the buyer (patron) if the value of the aggregate quantity (# of reserved spots) is equal to or greater than either the first or the second notification quantity value (calculated line capacities; if the # of reserved spots equals the calculated line capacity, the system will notify a patron that the requested time is unavailable).

As to claim 23, Waytena discloses, wherein the server 101,104 is further adapted to inform the buyer (patron) using a communication means (wireless network) selected from the group consisting of an electronic mail service, an instant messaging service, and dynamic content



Art Unit: 3677

window (the electronic messages in Waytena can be interpreted as electronic mail, instant messaging, and a dynamic content window).

As to claim 24, Waytena discloses, wherein the server 101,104 is further adapted to selectively inform the buyer (patron) based on a ranked profile of the buyer (the ranked profile can be interpreted as the number of people in a group; if a group is too large for the available line capacity, the system informs that group that the attraction/ride is unavailable; if a smaller group does not overfill the available line capacity, then the system will inform that group that the ride is available).

As to claim 25, Waytena discloses, a system for conducting electronic commerce over a network, said system comprising an electronic commerce server 101,104, wherein the electronic commerce server comprises notification instructions stored on one or more storage devices for informing a buyer (patron) of a change in inventory status (unavailability due to overflow of capacity, downtime, etc.; col.18, ln.30-37) of a product (ride/attraction) being considered for purchase (riding), wherein said informing precedes any purchase (riding) of the product by the buyer, and wherein the notification instructions further comprises instructions for generating a notification quantity value (a calculated line capacity) by applying a conversion rate factor (estimated downtime value; col.11, ln.40-45) to an inventory quantity (line capacity) of the product and performing said informing if the notification quantity value is equal to or greater than an aggregate quantity (# of reserved spots) of the product currently being considered for purchase by the buyer and a plurality of all other users (if the line capacity is equal to the # of reserved spots, then the system will notify a patron that the ride is unavailable at the specified time).

Art Unit: 3677

As to claim 27, Waytena discloses, wherein the electronic commerce server 101,104 further comprises one or more databases stored on the storage device, wherein the database comprises notification data including the inventory quantity (line capacity), the aggregate quantity (# of reserved spots), the conversion rate factor (estimated downtime value), and the notification quantity value (calculated line capacity having the estimated downtime value factored in).

As to claim 28, Waytena discloses, wherein the notification instructions further comprise instructions for selectively informing the buyer based on a ranked profile of the buyer (the ranked profile can be interpreted as the number of people in a group; if a group is too large for the available line capacity, the system informs that group that the attraction/ride is unavailable; if a smaller group does not overfill the available line capacity, then the system will inform that group that the ride is available).

As to claim 29, Waytena discloses, wherein the notification data further comprises data (col.7, ln.10-50) associated with the ranked profile of the buyer (patron).

As to claim 30, Waytena discloses, further comprising a Web server 101,104 coupled to the electronic commerce server 101,104 and adapted to interface with one or more network clients 102 (PCD), wherein the network clients provide means for one or more buyers (patrons) to conduct electronic commerce transactions with the electronic commerce server.

As to claim 31, Waytena discloses, a computer-usable carrier medium comprising: first program instructions executable on a computational device 101,104 for determining an inventory status (# of available spots) of at least one product (ride/attraction) being considered for purchase (riding) by a buyer (patron), and wherein the first program instructions are further executable for

Art Unit: 3677

determining an inventory quantity (line capacity) of the product and for determining an aggregate quantity (# of reserved spots) of the product currently being considered for purchase by the buyer and a plurality of all other buyers; and second program instructions executable on a computational device 101,104 for informing the buyer (patron) of a change in the inventory status (the change can be unavailability due to downtime, overflow, etc.; col.18, ln.30-38), wherein said informing precedes any purchase of the product by the buyer.

As to claim 33, Waytena discloses, wherein the first program instructions are further executable for generating a first notification quantity value (a first calculated line capacity value having the estimated downtime factored in; col.11, ln.40-45) by applying a conversion rate factor (estimated downtime value) to the inventory quantity (line capacity) and generating a second notification value (a second calculated line capacity wherein the first notification value is recalculated by having patron probabilities factored in; col.20, ln.40-65) by applying a safety margin factor (patron probability) to the first notification quantity value.

As to claim 34, Waytena discloses, wherein the second program instructions are further executable for informing the buyer if either the first or second notification quantity value is equal to or greater than the aggregate quantity (# of reserved spots; if the # of reserved spots equals the calculated line capacity, the patron is notified that the ride is unavailable at the specified time; furthermore, if the calculated line capacity is greater than the # of reserved spots, the patron is informed that the time is available).

As to claim 35, Waytena discloses, wherein the second program instructions are further executable for selectively informing the buyer (patron) based on a ranked profile of the buyer (the ranked profile can be interpreted as the number of people in a group; if a group is too large

Art Unit: 3677

for the available line capacity, the system informs that group that the attraction/ride is unavailable; if a smaller group does not overfill the available line capacity, then the system will inform that group that the ride is available).

As to claim 36, Waytena discloses, wherein the second program instructions are further executable for informing the buyer using a communication means selected from the group consisting of an electronic mail service, an instant messaging service, and dynamic content window (the PCD can send/receive electronic signals and messages; all of these communications can be considered an electronic mail message, or an instant message, or a dynamic content window).

As to claim 37, Waytena discloses, wherein the second program instructions are further executable for informing the buyer (patron) that the product may not be available for shipment (not available for shipment is equivalent to not available for riding) if the product is not purchased (ridden) within a specific timeframe (reserved time slot).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena US5978770, and further in view of Barni US6064981.

As to claim 12, Waytena discloses, wherein said displaying the notification message comprises using a dynamic content window (col.14, ln.35-55). The difference between the claim

Art Unit: 3677

and Waytena is the claim recites, window formed by a Java applet or an ActiveX control script. Waytena discloses that the PCD can be a PDA. Barni discloses a PDA similar to that of Waytena. In addition, Barni further teaches that the PDA uses Java (col.3, ln.50-60). It would have been obvious to one of ordinary skill in the art, having the disclosures of Waytena and Barni before him at the time the invention was made, to modify the PDA of Waytena to have Java, as in Barni, to obtain a PDA having a window that uses Java. One would have been motivated to make such a combination because the ability to connect to a network and obtain services would have been achieved, as taught by Barni (col.3, ln.20-30, ln.50-60).

### ***Response to Arguments***

Applicant's arguments, see Amendment A, filed 10/5/03, with respect to claims 1-37 have been fully considered and are persuasive. The rejection of claims 1-37 has been withdrawn.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US5255184 to Hornick discloses an airline seat inventory control method.

US5270921 to Hornick discloses a virtual fare method for an airline seat inventory system.

US6061691 to Fox discloses a method for inventory management wherein the items reserved (analogous to being placed in a shopping cart) are included in calculations with the confirmed orders.

US6085164 to Smith discloses an apparatus and method for allocating flight inventory resources.

Art Unit: 3677

US6253187 to Fox discloses an integrated inventory management system.

US6304855 to Burke discloses a computer system for allowing a consumer to purchase goods from home using an electronic shopping cart (modeled in 3-D). Non-patent literature cited may be used in combination with this reference to teach that shopping cart items are included in inventory calculations.

US6446045 to Stone discloses a method for using computers to facilitate and control the creating of a plurality of functions.

US6609108 to Pulliam discloses a communication schema of online system and method of ordering consumer product having specific configurations.

US6654726 to Hanzek discloses a communication schema of online system and method of status inquiry and tracking related to orders.

Witt, Doug. Newark Innovates in Electronic Commerce for Customers. ECN. March 1999. Vol. 43, Iss. 3; pg.133, 1pgs.

Business Editors and High-Tech Writers. ProCart Provides Smart, Secure Online Transaction Processing.... Business Wire. New York: May 4, 1999. pg. 1.

Trunk, Christopher. WMA Adopts Electronic Commerce. Material Handling Engineering. Cleveland: June 1999. Vol. 54, Iss. 6; pg.16, 1 pgs.

Business Editors/Technology Writers. Smith-Gardner Launches Next Generation of Industry-leading Internet Commerce Enterprise System. Business Wire. New York: July 27, 1999. pg. 1.

McCausland, Richard. Cashing in on E-Commerce. Accounting Technology. Boston: September 1999. Vol. 15, Iss. 8; pg. 36.

Art Unit: 3677

Canada Newswire. Mleap.com Revolutionizes Business Via the Internet. Ottawa:  
September 23, 1999.

Briody, Dan. Holiday Heyday or Headache. Infoworld. Framingham: November 1, 1999.  
Vol. 21, Iss. 44.

PR Newswire. New Technology Announcements from Pick Systems at Linux Business  
Solutions Expo - COMDEX Fall '99. New York: November 15, 1999. pg. 1.

King, Julia. Online Stores Add Off-line Outlets. Computerworld. Framingham: August 9,  
1999. Vol. 33, Iss. 32.

Goldsmith, H. Randall. The Next Computing Technology. Journal Record. Oklahoma  
City, OK: November 6, 2000.

Sam, Sessa. Web-based Systems Help Clients Manage Inventory. South China Morning  
Post. Hon Kong: November 30, 2000. pg. 3.

Larson, Christine. Breakaway --- Shopping Carts Online:.... Wall Street Journal. New  
York, NY: November 27, 2000.

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The  
examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the  
organization where this application or proceeding is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703)306-1113.

• Application/Control Number: 09/732,480  
Art Unit: 3677

Page 15

TYH



J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600